



## EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Richard K. Sullivan, Jr., Secretary  
Grant Announcement

Request for Responses (RFR) ENV 15 DCS 03  
Dated: February 27, 2014

Conservation Partnership Grant  
FY 15

### I. GRANT OPPORTUNITY SUMMARY:

**A. PROPOSALS SOUGHT FOR:** Financial assistance to non-profit 501(c)(3) organizations for the purchase of conservation land, or preparation of a baseline documentation report for currently-held Conservation Restrictions.

**B. OVERVIEW AND GOALS:** The Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the natural resources of the Commonwealth. To fulfill this mission, Richard K. Sullivan, Jr., Secretary of EEA, hereby makes available funding for the FY 2015 Conservation Partnership Grant Program. This program provides funding to assist non-public, not-for-profit corporations in acquiring and holding interests in lands suitable for conservation or recreation purposes.

The Conservation Partnership Grant Program is a component of the Patrick Administration's goal of conserving undeveloped land in the state. This RFR is part of the Administration's efforts to permanently preserve the Commonwealth's rich natural heritage for the future by protecting biodiversity, unique ecosystems, large undeveloped landscapes, and working lands. It is a reimbursement program.

#### C. ELIGIBLE PROJECTS:

- 1) Land or a conservation restriction (CR) purchased by an eligible Applicant
  - 2) Due diligence for land or a conservation restriction gift donated to an eligible Applicant
- See further detail on eligible projects in Section 2B.

**D. ELIGIBLE APPLICANTS:** This RFR is open to qualified IRS 501(c)(3) organizations that have been formed for one of the purposes described in Section 4 of Chapter 180 of the General Laws. An organization must have 501(c)(3) status at the time an application is submitted. Municipalities are not eligible for funding. (See further detail on eligible applicants in Section 2A).

**E. APPLICATION DEADLINE:** Friday, June 20, 2014 at 3:00 pm (See further detail on deadlines and grant program calendar in Section 4).

**F. FUNDING AVAILABILITY:** The maximum grant award for a single acquisition project is \$85,000; for due diligence for gifts, the maximum award for a single project is \$10,000. Not more than 10% of available funding will be allocated to projects for due diligence. The maximum reimbursement amount available for a single project is 50% of the total eligible project cost. Exceptions may be made at the Secretary's discretion. There is no guarantee that monies will be awarded (see further detail on Funding Availability in Section 2C).

**G. NON-STATE FUNDING REQUIREMENT:** Applicants selected to receive grant funding must use funds from non-state sources equal to at least half of the total eligible project cost (funds from this grant cannot exceed 50% of the total eligible project cost up to \$85,000). Approved expenditures must not be made until after the selected Applicant has an executed contract with the Commonwealth. Selected applicants for all project types

must convey an appropriate perpetual conservation restriction to either the municipality in which the project is located or a state agency. All projects must provide appropriate public access. (See further detail on budget requirements in Section 2D).

**H. TOTAL ANTICIPATED DURATION OF CONTRACT(S):** The contract period will begin on the date that EEA signs the contract. Contracts issued pursuant to this RFR must expend 100% of costs associated with the approved project on or before June 30, 2015 in order to be eligible for reimbursement (see further detail on anticipated duration of contract(s) in Section 2F).

**I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM:** Subject to 815 CMR 2.00, this grant program provides funding to assist non-public, not-for-profit corporations in acquiring interests in lands suitable for conservation or recreation purposes as authorized in Chapter 312, Acts of 2008. (See further detail in Attachment B).

**J. CONTACT INFORMATION:**

Melissa Cryan  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
617-626-1171  
melissa.cryan@state.ma.us  
[www.mass.gov/eea/dcs-grants](http://www.mass.gov/eea/dcs-grants)

## **2. Performance and Contract Specifications**

**A. ELIGIBLE APPLICANTS:**

- This RFR is open to qualified IRS 501(c)(3) organizations that have been formed for one of the purposes described in Section 4 of Chapter 180 of the General Laws.
- Multiple contracts may be awarded to the same applicant under this RFR. Applicants may choose to package several adjacent landholdings into one application. Unrelated, separate landholdings must be submitted as individual applications.

**B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK:**

EEA seeks to further the conservation of suitable conservation and recreation land. Projects that involve lands in BioMap2, that comprise rare ecotypes or habitats, that are large, abut other protected lands, or that restore ecological function to a site are preferred. Projects that protect a State Priority Preservation Area as shown on the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the 495/MetroWest Development Compact Plan, or other regional plan as they become available (if applicable) are also preferred. See Executive Order No. 525.

Land that is already permanently protected through Article 97 (through an EEA grant program, Conservation Restriction, or Agricultural Preservation Restriction) is not eligible for funding. Lands enrolled in Chapter 61, 61a or 61b are not classified as permanently protected land and are eligible to receive funding.

Types of eligible projects are:

*1.) Land or conservation restriction purchased by an eligible Applicant*

An eligible Applicant may request grant funding for reimbursement of approved acquisition and due diligence costs associated with the purchase of land (fee simple title) or of an interest in land (conservation restriction).

Conversion of a term-limited CR to a permanent CR is eligible for funding.

2.) *Due diligence costs for acquisitions or gifts to an eligible Applicant*

An eligible Applicant may request grant funding for reimbursement of approved due diligence costs associated with a land or conservation restriction gift being donated to the Applicant or for the due diligence costs associated with the acquisition of land by an Applicant.

**NOTE: Preservation of Agricultural Land:** Executive Order #193 discourages the irreversible conversion of the Commonwealth's productive agricultural land base. State grants shall not be used to encourage the irreversible conversion of agricultural land to other uses when feasible alternatives are available. In the event that all feasible alternatives have been explored, and the conversion of suitable agricultural lands to non-agricultural use remains the only feasible alternative to protection of open space, a mitigation plan must be developed to be eligible for reimbursement under a state grant. Projects that would convert any prime agricultural lands should consult with the Department Agricultural Resources at (617) 626-1700 prior to submitting an application.

**C. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:**

The maximum award under this grant program is \$85,000. Applicants must submit the appropriate type of appraisal (see Section 3B), the estimated total eligible project cost, and a specific grant request as part of the application package. Contract awards are not to exceed **50% of the total eligible project cost** with a maximum grant request and award of \$85,000.

**Reimbursable project costs:**

Eligible expenses occur during the grant recipient's contract period, which begins when EEA signs a Standard Contract with a selected Applicant (the contract execution date), and ends at the close of business on June 30, 2015. The grant award maximum is 50% of the eligible expenses shown below that are expended during the contract period, up to \$85,000.

**Eligible expense categories:**

- Title search
- Acquisition (appraised value or negotiated price, whichever is less)
- Baseline Documentation Report
- Chapter 21E assessment
- Survey
- Legal fees associated with the acquisition
- Recording fees

**Ineligible expense categories:**

***Please note that this is not a complete list.***

- Costs associated with preparation and submission of application in response to RFR
- Staff salaries
- Trail construction
- Signage
- Stewardship or monitoring endowments
- Equipment or goods

Project cost calculations are subject to approval by EEA. Only project costs approved by EEA will be considered when grant awards are calculated. Only acquisition and due diligence costs approved by EEA will be eligible for reimbursement.

**Requirements for reimbursement of eligible expenditures:**

The Conservation Partnership grant program is a **reimbursement** program. Applicants selected to receive grant funding must complete the approved project and expend 100% of costs associated with it on or before June 30, 2015, in order to be eligible for reimbursement.

Any expenses incurred prior to the execution of a contract with the Commonwealth will not be reimbursed.

**Final total eligible project cost:** Selected Applicants must provide actual cost documentation when filing for reimbursement for each approved project cost included as part of the final total eligible project cost. For acquisitions, EEA will use the actual purchase price OR the appraised value (supported by contracted appraisals

submitted by the Applicant as part of the application package), whichever is less. EEA will only reimburse expenses paid for through the Applicant's checking account.

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

#### **D. BUDGET REQUIREMENT:**

Applicants selected to receive grant funding must show the use of funds from non-state sources equal to at least 50% of the total eligible project cost. The grant award will not exceed \$85,000 for acquisitions and \$10,000 for due diligence for gifts. Non-state funding sources include, but are not limited to, other grants from private or non-profit foundations, and cash contributions from local partners or individuals. Applicants must provide documentation of the source and amount of funds. Funds from other state programs may not be used with this grant program. The final reimbursement amount will be determined by the receipt of canceled Applicant checks.

#### **E. PROJECT TERMS:**

If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions and the EEA Supplemental Terms and Conditions. All final contracts are subject to successful negotiation of a Final Scope of Services. EEA does not guarantee that any contracts may result from this RFR, or that any particular funding amount will be awarded. It is anticipated that projects could commence soon after EEA's awards announcement. Awarded contracts will be reviewed during their course and, upon request by the Contractor, may be extended or otherwise amended at the sole discretion of EEA. Any extension granted will not necessarily change the monetary value of the contract.

#### **F. ANTICIPATED DURATION OF CONTRACTS:**

All contracts will end on June 30, 2015; land purchase and other reimbursable expenditures must occur on or before this date. Extension of the contract is at the sole discretion of EEA.

#### **G. DELIVERABLES AND OWNERSHIP:**

Contracts executed under this RFR must include conveyance of a conservation restriction (or one-half interest) to the conservation commission or recreation commission of the municipality in which the project is located, or to a state agency, as required by Chapter 312 of the Acts of 2008. **Conveyance of the conservation restriction (or partial interest) must be completed before reimbursement.** Please allow adequate time for review and approval of the conservation restriction by the necessary parties (e.g. municipal officials, Secretary of Energy and Environmental Affairs, and/or appropriate state agency). Draft conservation restrictions must be submitted separately to EEA for review. EEA representatives must be invited to any public events sponsored by the Applicant in celebration of a Conservation Partnership grant award.

#### **H. REPORTING:**

No interim reports are required.

#### **I. INVOICING:**

Applicants selected to receive grant funding will be required to provide the following documentation when filing for reimbursement:

- ☐ Reimbursement Billing Form and Project Cost Worksheet (provided once contract has been executed)
- ☐ Deed and/or executed and recorded conservation restriction (copies of recorded documents)
- ☐ Title certification (copy)

- ☐ Cancelled checks from the Applicant (both sides), wire transfer statements, bank statements, or attested statement of Treasurer indicating the amount of payment, date paid, associated check or transaction numbers, and authority of payment (copy)
- ☐ Conservation Restriction language that ensures appropriate public access (copy)
- ☐ GIS Data Entry Form (provided once contract has been executed)

**See also the attached EEA Supplemental Terms and Conditions.**

### **3. Instructions for Application Submission**

#### **A. EVALUATION PROCESS:**

A project Selection Committee composed of members of the Executive Office of Energy and Environmental Affairs staff will evaluate all applications. Once preliminary application review and rating is complete, the Selection Committee will develop comments and draft recommendations. These draft recommendations are subject to further review, including by EEA senior management and by the Secretary of EEA, prior to final approval.

**Site inspections:** Proposals will not be funded on a sight unseen basis. A member of the Selection Committee will contact you to schedule an inspection of the property. Recreational opportunities indicated as being provided by the project will be verified by the DCS representative conducting the site visit.

**Evaluation criteria:** Each Response will be scored using the following measures below. The detailed distribution of these points is included as Attachment B: Response Review Rating System.

#### **1. Organizational Characteristics (17%)**

- Applicant has proven ability to successfully acquire (via purchase and/or donation) fee or conservation restriction interests
- Applicant has proven capacity to carry out proper long-term stewardship of fee or CR interest
- Number of full-time equivalent (FTE) staff
- Articles of incorporation specifically state land protection, land conservation, recreation as one of its missions

#### **2. Water Resources (15%)**

- Project includes frontage on a water resource or provides a buffer for a water resource
- Project helps protect an existing drinking water supply area
- Project is located over a medium or high yield aquifer

#### **3. Land Protection (10%)**

- Total acreage protected.
- Project abuts other protected open space. Non-adjacent properties connected by a river or stream do not count as abutting. Protected open space can include land enrolled in Chapter 61, 61A, or 61B; land protected by a Conservation Restriction, Agricultural Preservation Restriction, or Watershed Preservation Restriction; Article 97 land; or land owned by a non-profit organization for conservation or recreation purposes.
- Project is within a designated Priority Protection Area as shown on the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the I-495/MetroWest Development Compact Plan, or other regional plan as they become available (if applicable) are also preferred. See Executive Order No. 525.

#### **4. Biodiversity and Natural Resource Protection (15%)**

- Project lies within or abuts Natural Heritage and Endangered Species Program (NHESP) BioMap2 core habitat or critical natural landscape

- Project lies within The Nature Conservancy's Resilient Sites for Terrestrial Conservation (see DCS website for maps)
- Project restores ecological function to previously developed or brownfield site

#### 5. **Working Farms and Forests (5%)**

- Majority of the project parcel(s) is enrolled in Chapter 61 or 61A, Forest Stewardship program, Farm Viability program, or Forest Viability program
- Project parcel will continue in active management

#### 6. **Recreational Opportunities (18%)**

- Project will provide public recreational opportunities
- Project will advance a local or regional greenway plan
- Project will advance goals, objectives, or action plan items stated in the community's *current* Open Space and Recreation Plan
- Project will advance goals, objectives, or action plan items stated in the Statewide Comprehensive Outdoor Recreation Plan

#### 7. **Overall Project Quality and Importance (20%)**

- Overall quality and importance of the proposed project, including complying with Executive Order 525 Implementation of the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the I-495/MetroWest Development Compact Plan, or other regional plan as they become available (if applicable) are also preferred. See Executive Order No. 525.

### **B. APPRAISAL REQUIREMENTS:**

#### 1.) Land or conservation restriction purchased by an eligible Applicant

Applications for projects that involve the purchase of land or a conservation restriction must **include the appropriate type of appraisal with the application:**

##### A. *Parcels with an estimated total project cost equal to or greater than \$170,000:*

One full narrative appraisal by a real estate appraiser certified or licensed pursuant to M.G.L. c. 112, and dated no earlier than one year prior to the application submission deadline.

##### B. *Parcels with an estimated total project cost less than \$170,000:*

One narrative appraisal OR one contracted market analysis OR one contracted opinion of value, completed by a real estate appraiser certified or licensed pursuant to M.G.L. c. 112, and dated no earlier than a year prior to the application submission deadline.

**NOTE:** The Applicant or one of the Applicant's project partners must be the client for the appraisal, market analysis, or opinion of value. The owner of the property cannot be the client and cannot donate money to cover the cost.

For projects that involve the purchase of land or a conservation restriction, **applications lacking the appropriate type of appraisal will be rejected.**

#### 2.) Land or a conservation restriction gift donated to an eligible Applicant

Applications for projects that involve a land or conservation restriction donation to the Applicant **DO NOT require an appraisal**, market analysis, or opinion of value.

### **C. APPLICATION SUBMISSION INSTRUCTIONS:**

Applications must be received in hard copy by **3:00 pm, Friday, June 20, 2014**. Any application received after the deadline will be rejected. A postmark will not be accepted for verification of date of submission. Applications will **not** be accepted by fax or email. The outside of the package should be marked RFR ENV 15 DCS 03. Submit one **original** (clearly identified as such) and **two paper copies** of the application package to:

Melissa Cryan  
RE: RFR ENV 15 DCS 03  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114

A complete application package includes a completed Conservation Partnership Application Form (Attachment A), and the supporting documentation listed in Section C: Additional Required Documents. Failure to provide any of the materials requested in the application package may result in the disqualification of the Proposal.

**Help reduce waste:** *Print double-sided wherever possible. Use the least packaging necessary to ensure good organization.*

### **C. ADDITIONAL DOCUMENTATION:**

If selected, the following forms will be required to execute a contract. They are available from the Commonwealth's Operational Services Division website (<http://www.mass.gov/osd>):

- Commonwealth Terms and Conditions
- Commonwealth W-9 Request for Taxpayer Identification Number and Certification
- Contractor Authorized Signature Verification Form (both sides!)
- Authorization for Electronic Funds Payment (attach cancelled check)

### **Documentation required for reimbursement:**

If selected, the Respondent will be required to submit the following additional forms to complete a contract:

- Reimbursement Billing Form and Project Cost Worksheet (provided once contract has been executed)
- Deed and/or conservation restriction, as executed and recorded (copy)
- Title certification (copy)
- Recent survey (copy)
- Cancelled checks from the Applicant (both sides), wire transfer statements, bank statements (copies); OR attested statement of Treasurer indicated the amount of payment, date paid, associated check or transaction numbers, and authority of payment
- Conservation restriction language that ensures appropriate public access (copy)
- GIS Data Entry Form (provided once contract has been executed)

Respondents are encouraged to review these forms prior to submission of a Response. They are available as Attachments to this document

## **4. Deadlines and Procurement Calendar**

**A. RELEASE OF RFR:** February 27, 2014

**B. INFORMATION SESSION:** No information session will be held for this RFR.

**C. APPLICATION DUE DATE:** Friday, June 20, 2014, 3:00 pm

**D. ESTIMATED AWARD DATE:** Awards are estimated to be announced on or about 100 days after the application deadline, with contract negotiations to begin immediately thereafter. Please note this is an estimated timeframe, subject to change based on availability of funds and other factors.

**E. ESTIMATED CONTRACT START DATE:** Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form. The estimated start date for contracts resulting from this RFR is November 30, 2014, subject to change as noted above.

## **5. Miscellaneous**

**A. TYPE OF PROCUREMENT:** Grant

**B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS:** This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by EEA.

**C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS:** This RFR will result in multiple contractors.

**D. RFR DISTRIBUTION METHOD:** This RFR has been distributed electronically using the Comm-PASS system. It is the responsibility of every Applicant to check Comm-PASS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files.

Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

**E. LIST OF ATTACHMENTS:**

- A. Application Form
- B. FY 15 Conservation Partnership Grant – Response Review Rating System
- C. Chapter 312 of the Acts of 2008
- D. EEA Supplemental Terms and Conditions



**Attachment A**

**APPLICATION FORM**

**FY 15 CONSERVATION PARTNERSHIP GRANT PROGRAM  
Executive Office of Energy and Environmental Affairs**

**SUBMIT:** One original application form with supporting documentation and two paper copies of the completed application and supporting documentation.\* Please help reduce waste—print double sided and use the minimum packaging necessary for good organization.

**(\*NOTE: Only ONE copy of the appraisal, market analysis, or opinion of value is needed)**

**DEADLINE:** Friday, June 20, 2014, 3:00 pm

**TO:** Melissa Cryan  
**RE: RFR ENV 15 DCS 03**  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114

**A. APPLICANT INFORMATION**

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Location: \_\_\_\_\_

Type of project: ☐ Acquisition ☐ Due diligence for gift

Requested grant amount: \$ \_\_\_\_\_

[→ **Attachment 8:** Articles of Incorporation and IRS 501(c)(3) letter. Corporation must be formed for one of the purposes described in Section 4 of Chapter 180 of the General Laws.]

**B. CONTACT PERSON**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

## C. ORGANIZATIONAL CHARACTERISTICS

1a.) How many acres of land does your Organization have under fee ownership? \_\_\_\_\_

1b.) How many acres of land does your Organization have under CRs? \_\_\_\_\_

For how many acres of CR land have Baseline Documentation Reports been prepared? \_\_\_\_\_

2a.) Does your organization have a Strategic Land Acquisition Plan? ☐ Yes ☐ No

2b.) Does your organization have Land Acquisition Guidelines? ☐ Yes ☐ No

3.) How do you finance stewardship, monitoring, and enforcement?

Annual Operating Budget ☐ Yes ☐ No

Segregated Stewardship & CR Monitoring Fund ☐ Yes ☐ No

Segregated CR Enforcement Fund ☐ Yes ☐ No

Other (explain): \_\_\_\_\_

What is your annual stewardship/monitoring budget? \$\_\_\_\_\_ Endowed? ☐ Yes ☐ No

4.) Does your organization have full-time stewardship or land management staff? ☐ Yes ☐ No

5.) If no staff, how do you maintain your properties? ☐ Volunteers ☐ Contract work

6.) How do you intend to maintain the property proposed for protection in this application? \_\_\_\_\_

7.) What is the total number of full-time equivalent staff employed by your organization?

☐ 0-2

☐ 3-5

☐ 6-7

☐ 8-10

☐ More than 10

8.) Does your proposed project have board approval? ☐ Yes ☐ No

If no, when do you expect to receive it? \_\_\_\_\_

9.) Do your Articles of Incorporation specifically list permanent land conservation or habitat protection or recreation as one of your organization's goals? If yes, highlight the relevant passage in the Articles (Attachment 8).

☐ Yes ☐ No

#### D. PARCEL INFORMATION

Please complete a copy of this section (i.e. PARCEL INFORMATION) for each parcel that is part of this grant application.

1.) Total **Project Acreage**: \_\_\_\_\_

Total number of parcels (print off and fill out a copy of this page for each parcel): \_\_\_\_\_

2.) This **Parcel Information** form is being completed for:

A parcel or interest in a parcel to be **purchased**

☐ Fee

☐ CR

A parcel or interest in a parcel that will be **donated**

☐ Fee

☐ CR

3.) Parcel Information:

Owner(s): \_\_\_\_\_

Location: \_\_\_\_\_ Acres: \_\_\_\_\_  
(municipality)

Street: \_\_\_\_\_

Assessors Sheet #: \_\_\_\_\_ Lot #: \_\_\_\_\_

Building(s) on the parcel? ☐ Yes ☐ No

If yes, please explain how they will be utilized (buildings that remain must contribute to the conservation/recreation function of the property. Buildings that do not so contribute to the property should be removed): \_\_\_\_\_

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[→ **Attachment 3:** Copy of a USGS topological map that clearly shows parcel location. Include name and date of the USGS topo quad. If project involves multiple parcels, include one map that clearly shows the location of each parcel.]

4.) Encumbrances? ☐ Yes ☐ No If yes, what type? ☐ Mortgage ☐ Easement ☐ Lien(s)

Describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5.) **Appraisal** – **If** the proposed project involves the purchase of land or a conservation restriction, please refer to the Appraisal Requirements (Section 3B) in the Request for Response to determine the type of appraisal that must be submitted with this application.

Please check one:

☐ Full narrative appraisal

☐ Market analysis

☐ Opinion of value

Appraiser: \_\_\_\_\_

Valuation: \$ \_\_\_\_\_

Date of appraisal, market analysis, or opinion of value: \_\_\_\_\_

(NOTE: Appraisal, market analysis, or opinion of value can be dated **no earlier than one year prior** to the Application submission deadline)

[→ **Attachment 7:** One copy of the appraisal, market analysis, or opinion of value.]

All projects that receive funding through the Conservation Partnership grant program must convey a perpetual conservation restriction, or one-half interest, within the meaning of sections 31 and 32 of MGL Chapter 184, to either the conservation commission or recreation commission in the city or town in which the project is located, or a state agency, or both.

6.) To what public agency/agencies do you intend to convey a conservation restriction or partial interest therein (for projects in which only the CR will be acquired)?

Organization Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

[→ **Attachment 4:** Letter of commitment from the town or state agency (or both) stating the intent to hold the conservation restriction]

## **E. PROJECT DESCRIPTION**

[→ **Attachment 1: Project Narrative:** 2-3 pages]

1.) Using the Conservation Partnership Response Review Rating System (Appendix B) as a guide, please describe in a 2-3 page attachment the nature of your project. At a minimum, describe:

- a. The property(s) and property interest(s) to be acquired or donated
- b. The natural characteristics and ecological value of the property

- c. The proposed project's ability to protect or promote sustainable working lands
- d. The type of public recreational opportunities that will be available and how public access will be assured
- e. The project's ability to advance objectives in the community's *current* Open Space and Recreation Plan
- f. The project's ability to advance objectives in the Statewide Comprehensive Outdoor Recreation Plan (<http://www.mass.gov/eea/docs/eea/dcs/fy13-gr/draft-scorp-2012.pdf>)
- g. If a developed, formerly developed, or brownfield site, explain the former and current land use and condition, and what remediation and restoration activities will be undertaken
- h. The project's ability to advance a local or regional greenway plan
- i. The project's ability to protect a State Priority Preservation Area as shown on the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the 495/MetroWest Development Compact Plan or other regional plan as they become available (if applicable). See Executive Order No. 525.
- j. The organization's commitment to working with Native American tribes

[→ **Attachment 2: Proposed Budget:** 1-2 pages]

- a.) An itemized list of estimated project costs
- b.) Estimated total project cost
- c.) Grant request amount
- d.) Description of the methods/sources of financing for the proposed project
- e.) Detailed timeline with the anticipated start and end date of each step needed to successfully complete your proposed project on or before June 30, 2014.

<b>F. WATER RESOURCES</b>
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1.) Approximate percentage of property located 0-200 feet from the edge of an ocean, lake, pond, river, stream, or wetland:

- ☐ > 75%
- ☐ 51% - 75%
- ☐ 26% - 50%
- ☐ 1% - 25%
- ☐ 0%

2.) Approximate percentage of property located 0-400 feet from the edge of an ocean, lake, pond, river, stream, or wetland:

- ☐ > 75%
- ☐ 51% - 75%
- ☐ 1% - 50%
- ☐ 0%

3.) What is the approximate percentage of the project that lies within an existing drinking water supply area (i.e. Zone I/II or Zone A/B)?

- ☐ > 75%
- ☐ 51% - 75%
- ☐ 26% - 50%
- ☐ 1% - 25%
- ☐ 0%

4.) Is the majority of project located over a medium or high yield aquifer?

- ☐ The majority of project located over a high-yield aquifer
- ☐ The majority of project located over a medium-yield aquifer
- ☐ Neither

[→ **Attachment 3:** Map(s) showing the location of the project parcel(s) in relation to relevant water resources, existing drinking water supply areas, and/or medium and high yield aquifers.]

## **G. LAND PROTECTION**

1.) How many acres would this project protect?

- ☐ > 15 acres
- ☐ 11-15 acres
- ☐ 6-10 acres
- ☐ 2-5 acres
- ☐ < 2 acres

2.) Does the proposed project abut other protected open space?\*

- ☐ Abuts >25 acres of protected open space
- ☐ Abuts 11-25 acres of protected open space
- ☐ Abuts 1-10 acres of protected open space

\*Chapter 61, 61a, and 61b lands are not considered protected open space

[→ **Attachment 3:** Map(s) showing the location of the project parcel(s) in relation to other protected open space.]

## **H. BIODIVERSITY AND NATURAL RESOURCE PROTECTION**

1.) What percentage of the proposed project lies within or abuts Natural Heritage and Endangered Species Program (NHESP) BioMap2 core habitat or critical natural landscape?

- ☐ > 75% within core habitat
- ☐ 51%-75% within core habitat
- ☐ 26%-50% within core habitat
- ☐ 1%-25% within core habitat
- ☐ > 75% within critical natural landscape
- ☐ 51%-75% within critical natural landscape
- ☐ 26%-50% within critical natural landscape
- ☐ 1%-25% within critical natural landscape
- ☐ Abuts BioMap2 core habitat or critical natural landscape
- ☐ Neither lies within or abuts

2.) Is the proposed project lies within The Nature Conservancy's Resilient Sites for Terrestrial Conservation (see DCS website for maps)?

- ☐ Yes
- ☐ No

3.) Will this project restore ecological function to a previously developed or brownfield site?

- ☐ Yes
- ☐ No

If yes, explain: \_\_\_\_\_

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[→ **Attachment 3:** Map(s) showing the location of the project parcel(s) in relation to BioMap2 habitats and Maps 6-36 and 6-39.]

### I. WORKING FARMS AND FORESTS

1.) Is the majority of the project parcel(s) enrolled in any of the following programs and will continue to be once purchased? If yes, please indicate which program(s):

- ☐ Chapter 6I or active forest management
- ☐ Chapter 6IA or active agriculture
- ☐ Forest Stewardship program
- ☐ Farm Viability program
- ☐ Forest Viability program

2.) Will the property continue, or begin, to have active forestry or agriculture?

- ☐ Yes
- ☐ No

If yes, explain: \_\_\_\_\_

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[→ **Attachment 6:** Documentation to support your answer (e.g. a letter confirming enrollment in one of the above programs from the program administrator or documentation from town/city assessor's office).]

### J. RECREATIONAL OPPORTUNITIES

1.) What public recreational opportunities will the project provide? (check which box best describes your project; use the space below to describe or clarify.) *Recreational opportunities will be verified by the DCS representative during the site visit.*

- ☐ Trail-based activities (eg, walking, Nordic skiing, biking, horseback riding)
- ☐ Water-based activities (eg, canoeing, fishing, swimming, skating)
- ☐ Wilderness activities (eg, camping, hunting)
- ☐ Other \_\_\_\_\_

Describe/clarify: \_\_\_\_\_

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2.) Will the proposed project advance priorities, goals, or objectives in the current local Open Space and Recreation Plan?

- ☐ Yes
- ☐ No

3.) Will the proposed project advance priorities, goals, or objectives in the Statewide Comprehensive Outdoor Recreation Plan?

- ☐ Yes  
☐ No

4.) Will the proposed project advance a local or regional greenway plan or the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the 495/MetroWest Development Compact Plan?

- ☐ Yes  
☐ No

[→ **Attachment 5:** Copy of the community's current Open Space and Recreation Plan (relevant pages only); copy of the SCORP (relevant pages only); and/or a local or regional greenway plan or the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the 495/MetroWest Development Compact Plan to support your answers.]

#### K. CERTIFICATION STATEMENT

This application was prepared by:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

To the best of my knowledge, the information and data which has been submitted to qualify for the FY13 Conservation Partnership Grant are true and correct.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

#### M. ATTACHMENT CHECKLIST

Please include the following supporting documentation and forms with your application:

- ☐ **Attachment 1:** Project narrative
- ☐ **Attachment 2:** Budget proposal, grant request, funding sources/methods, and project timeline
- ☐ **Attachment 3:** Maps, including:
  - USGS topographic map with parcel(s) outlined
  - Surrounding other protected open space (identify adjacent parcels)
  - Water resources (drinking water supply zones I/II or A/B; aquifers; proximity to wetlands, etc)
  - BioMap2
  - Local or regional greenway plan
  - Nearby State Priority Development or Preservation Areas as shown on the South Coast Rail Corridor Plan, Merrimack Valley Land Use Priority Plan, or the 495/Metrowest Development Compact Plan (if applicable)



- ☐ **Attachment 4:** Letter of commitment from the town or state agency (or both) stating the intent to hold the conservation restriction
- ☐ **Attachment 5:** Copy of the relevant text from the community's current Open Space and Recreation Plan and Statewide Comprehensive Outdoor Recreation Plan and/or a local or regional greenway plan to support the answers provided in Section E: "Project Description."
- ☐ **Attachment 6:** Documentation to support parcel enrollment in the Chapter 61 or 61A, Forest Stewardship program, Farm Viability program, or Forest Viability program.
- ☐ **Attachment 7:** Appraisal, market analysis, or opinion of value
- ☐ **Attachment 8:** Articles of Incorporation and IRS 501 (c)(3) letter. Corporation must be formed for one of the purposes described in Section 4 of Chapter 180 of the General Laws.

**Additional Forms required if selected for funding:**

**The following forms are available** at the Commonwealth's Operational Services Division website  
<http://www.mass.gov/osd>.

- ☐ Commonwealth Terms and Conditions
- ☐ Commonwealth W-9 Request for Taxpayer Identification Number and Certification
- ☐ Contractor Authorized Signature Verification Form
- ☐ Authorization for Electronic Funds Payment

*Note: this form must be completed online.*

**Attachment B**  
**FY 15 CONSERVATION PARTNERSHIP GRANT - RESPONSE REVIEW**  
**RATING SYSTEM**  
**100 TOTAL POINTS**

**I. Organizational Characteristics (17 points maximum)**

- 1.) Applicant currently has under their care and control land under fee ownership and/or CR and has acquired the land through a planned process:  
Yes = 1 pt  
No = 0 pts
- 2.) Applicant has proven capacity to carry out proper future stewardship of fee or CR interest:  
Yes = 2 pts  
No = 0 pts
- 3.) Number of full-time equivalent (FTE) staff:  
0-2 FTE = 9 pts  
3-5 = 7 pts  
6-7 = 5 pts  
8-10 = 2 pts
- 4.) Articles of incorporation specifically state permanent land protection, land conservation, recreation as one of its missions  
Yes = 5 pts  
No = 0 pts

**II. Water Resources (15 points maximum)**

- 1.) Approximate percentage of property located 0-200 feet from the edge of an ocean, lake, pond, river, stream, or wetland:  
>75% = 5 pts  
51% - 75% = 4 pts  
26% - 50% = 3 pts  
1% - 25% = 2 pt  
0% = 0 pts

- 2.) Approximate percentage of property located 0-400 feet from the edge of an ocean, lake, pond, river, stream, or wetland:

≥75% = 3 pts  
51% - 75% = 2 pts  
1% - 50% = 1 pts  
0% = 0 pts

- 3.) Approximate percentage of project that lies within an existing drinking water supply area (i.e. Zone I/II or Zone A/B):

>75% = 5 pts  
51% - 75% = 4 pts  
26% - 50% = 2 pts  
1% - 25% = 1 pt  
0% = 0 pts

- 4.) Majority of project is located over a medium or high yield aquifer:

High-yield = 2 pts  
Medium-yield = 1 pt  
Neither = 0

**III. Land Protection (10 points maximum)**

- 1.) Total acreage protected (via purchase and/or donation):

> 15 acres = 5 pts  
11-15 acres = 4 pts  
6-10 acres = 3 pts  
2-5 acres = 2 pts  
< 2 acres = 1 pt

- 2.) Proposed project abuts or links other protected open space:

Abuts >25 acres of protected open space = 5 pts  
Abuts 11-25 acres of protected open space = 3 pts  
Abuts 1-10 acres of protected open space = 1 pts

#### IV. Biodiversity and Natural Resource Protection (15 points maximum)

1.) Project lies within or abuts Natural Heritage and Endangered Species Program (NHESP) BioMap2 core or critical natural landscape:

>75% within BioMap2 core habitat = 7 pts

51%-75% within core habitat = 6 pts

26%-50% within core habitat = 4 pts

1%-25% within core habitat = 2 pts

>75% within BioMap2 critical natural landscape = 7 pts

51%-75% within critical natural landscape = 6 pts

26%-50% within critical natural landscape = 4 pts

1%-25% within critical natural landscape = 2 pts

Abuts = 1 pt

Neither lies within or abuts = 0 pts

2.) Does the proposed project lies within The Nature Conservancy's Resilient Sites for Terrestrial Conservation (see DCS website for maps)?

Yes = 6 pts

No = 0 pts

3.) Project will restore previously developed or brownfield site:

Yes = 2 pts

No = 0 pts

#### V. Working Farms and Forests (5 point maximum)

1.) The majority of the project parcel(s) will remain (or be) enrolled in one or more of the following programs:

Chapter 6I or active forest management = 2 points

Chapter 6IA or active agriculture = 2 points

Forest Stewardship program = 1 point

Farm Viability program = 1 point

Forest Viability program = 1 point

2.) The project parcel will continue or begin active forest management or agriculture:

Yes = 2

No = 0

#### VI. Recreational Opportunities (18 points maximum)

1.) Project supports public recreational opportunities:

	Yes (2pts)	Marginal (1pt)	No (0pts)
Trail-based activities (ie, hiking, biking, walking)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water-based activities (eg, swimming, kayaking, fishing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wilderness activities (eg, camping, hunting)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.) Project meets priorities, goals, or objectives identified in the community's Open Space and Recreation Plan (OSRP)

Yes = 2

No = 0

3.) Project meets priorities, goals, or objectives identified in the Statewide Comprehensive Outdoor Recreation Plan

Yes = 8

No = 0

#### VII. Overall Project Quality and Importance (20 points)

1.) What is the overall quality and importance of the proposed project?

High = 14-20 pts

Medium = 7-13 pts

Low = 0-6 pts

## **Attachment C**

### **Policies, Statutes, Legislation Guiding this Grant Program**

#### **Chapter 312 of the Acts of 2008, Sec. 2A**

2000-7016...For the conservation partnership grant program to assist not-for-profit corporations in acquiring interests in lands suitable for purposes of conservation or recreation; provided, that the corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that grant funds shall be expended to reimburse an eligible corporation for money expended by it in establishing a project approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the project, but in no event shall the amount of the reimbursement exceed 50 per cent of the cost of the project; provided further, that no reimbursement shall be made under this item to a corporation unless a project application is filed by the corporation with the secretary setting forth the plans and information that the secretary may require and approved by the secretary, nor until the corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with the approved plans; provided further, that all projects shall include the grant by the corporation of an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to the city or town in which the project is located, to be managed by either its conservation or its recreation commission, or a state agency, or both; provided further, that all projects shall provide appropriate public access as determined by the secretary; and provided further, that the secretary may adopt rules and regulations to carry out this item.

**REQUEST FOR RESPONSES (RFR)**  
**EEA SUPPLEMENTAL TERMS AND CONDITIONS**

1. For the purposes of these *Supplemental Terms and Conditions*, Department shall mean the Executive Office of Energy and Environmental Affairs (EEA) and the office requesting Responses as identified within this RFR.
2. These *Supplemental Terms and Conditions* are incorporated by reference into this RFR. If any amendment, attachment [not including the Commonwealth's *Standard Terms and Conditions*, *Standard Form Contract*, or any other form jointly published by the Executive Office for Administration and Finance (EOAF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD), or any provision or form required by State or Federal law] or other part of this RFR deletes, modifies, replaces or otherwise contains language that conflicts with these *Supplemental Terms and Conditions*, these *Supplemental Terms and Conditions* shall supersede and control to the extent necessary to accomplish these conditions. The remaining provisions of this RFR shall remain in effect and enforced to the fullest extent permitted.
3. The Commonwealth's *Standard Terms and Conditions* [as currently and jointly issued by EOAF, CTR, and OSD] are incorporated by reference into this RFR. To the extent that any amendment, attachment, condition or other part of this RFR deletes, modifies, replaces or otherwise contains language that conflicts with the Commonwealth's *Standard Terms and Conditions*, the official printed language of the Commonwealth's *Standard Terms and Conditions* shall supersede and control to the extent necessary to accomplish its conditions. The remaining provisions of this RFR shall remain in effect and enforced to the fullest extent permitted.
4. The terms of 801 CMR 21.00: Procurement of Commodities and Services (and 808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services, if applicable) are incorporated by reference into this RFR. For Grants, 815 CMR 2.00: Grants and Subsidies shall apply and be incorporated into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 or 815 CMR 2.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, Responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All Responses must be submitted in accordance with the specific terms of this RFR. No electronic Responses may be submitted in Response to this RFR.
5. Respondent Communication. Respondents are prohibited from communicating directly with any employee of EEA except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Respondents may contact the contact person for this RFR in the event this RFR is incomplete or the Respondent is having trouble obtaining any required attachments electronically through Comm-PASS.
6. Reasonable Accommodation. Respondents with disabilities or hardships that seek reasonable accommodation, which may include the receipt of this RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A Respondent requesting accommodation must submit a written statement, which describes the Respondent's disability and the requested accommodation to the contact person for the RFR. The Department reserves the right to reject unreasonable requests.

The Department may require the Contractor to provide all materials, software, maps, studies, reports, and other products or data in alternative formats upon request.
7. Public Records. All Responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L. Chapter 66, section 10 and Chapter 4, section 7(26). Any statements in submitted Responses that are inconsistent with the Public Records Law shall be void and disregarded.

8. All materials, software, maps, studies, reports, and other products or data, regardless of physical form or characteristics, produced in furtherance of the Contract and funded, in whole or in part, under the Contract shall be considered in the public domain and available to EEA or its agencies at the reasonable cost of reproduction in any of the formats in which it is stored or maintained. The Contractor shall not obtain, attempt to obtain or file for a patent, copyright, trademark or any other interest in any such materials, software, maps, reports, and other products or data without the express, written consent of the Department and subject to any other approvals required by state or federal law.
9. Best Value Selection and Negotiation. The Department may select the Response(s), which demonstrates the best value overall, including proposed alternatives, that will achieve the procurement goals of the Department. The Department and a Selected Respondent, or a Contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the Selected Respondent's or Contractor's Response which results in lower costs or a more cost effective or better value than was presented in the Selected Respondent's or Contractor's original Response.
10. The Department reserves the right to fund a portion, change the scope, and/or delete tasks of any Response to more closely meet the purposes of the program or to obtain the best procurement value for the Department. Selected Respondents may decide not to enter into a contract if the revised scope does not meet its approval. The Department does not guarantee that any Contract will be awarded under the RFR. Any potential Contract with a Selected Respondent shall be subject to the appropriation and availability of funds.
11. Costs. Costs that are not specifically identified in the Respondent's Response, and accepted by a Department as part of a Contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by Respondents responding to this RFR.
12. Comm-PASS. This RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced will be found either as separate .pdf files along with the RFR at [www.comm-pass.com](http://www.comm-pass.com), or in the "OSD Forms" section at [www.mass.gov/osd](http://www.mass.gov/osd). Respondents are solely responsible for obtaining and completing required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability and will provide no accommodation to Respondents who fail to check for amended RFRs and submit inadequate or incorrect Responses. Respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a Response to ensure that they have the most recent RFR files. Respondents may not alter (manually or electronically) the RFR language or any RFR component files. **Modifications to the body of the RFR, specifications, terms and conditions are prohibited and may disqualify a Response.** Respondents having difficulty obtaining any required attachments electronically through Comm-PASS should seek assistance from the contact person for this RFR.

If the Department is also distributing this RFR directly to Respondents, those Respondents, that requested and received a copy of this RFR directly from the Department, will be sent a copy of any modifications or amendments to the RFR by the Department.

13. Subcontracting. Prior written approval of the Department is required for any subcontracted service (which includes consultants) of the contract. Contractors are responsible for the performance and oversight of its subcontractors. Subcontractors are required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.
14. Affirmative Market Program (For Contracts over \$50,000 only, Not applicable to Grants). Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs). As a result, Non-M/WBE

Respondents are strongly encouraged to develop creative initiatives to help foster *new business relationships* with M/WBEs within the primary industries affected by this RFR. The highest number of points will be awarded for Responses that clearly illustrate how the proposed business relationship(s) will result in the development and growth of M/WBEs within these primary industries. A lesser number of points will be awarded for traditional subcontracting relationships. The least number of points will be awarded for ancillary uses of M/WBEs.

In order to satisfy this section, the Respondent must submit: the names, addresses, phone numbers and contact persons of each M/WBE firm; a description of each business relationship to be established; and the actual dollar amounts, or percentages, to be awarded to each M/WBE firm. MBE and WBE firms must submit a copy of their SOMWBA certification letter for the current period. A directory of SOMWBA certified firms is available via the internet at [www.mass.gov/somwba](http://www.mass.gov/somwba). M/WBEs are strongly encouraged to submit Responses to this RFR, either as prime vendors, as joint venture partners, or as subcontractors.

A Minority Business Enterprise (MBE) or a Woman Business Enterprises (WBE) is defined as a business that has been certified as such by the State Office of Minority and Women Business Assistance (SOMWBA). Minority and women-owned firms that are not currently SOMWBA-certified but would like to be considered as an M/WBE for this RFR should apply for certification. A fast track application is available, and will be considered for the purposes of this RFR. For further information on SOMWBA certification contact the State Office of Minority and Women Business Assistance at (617) 727-8692 or via the internet at [www.mass.gov/somwba](http://www.mass.gov/somwba).

15. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this RFR. Any projected estimates or past procurement volumes referenced in this RFR are included only for the convenience of Respondents, and are not to be relied upon as any indication of future purchase levels.
16. Unless otherwise specified in this RFR, any reference to a particular trademark, trade name, patent, design, type, specification, producer or supplier is not intended to restrict this RFR to any manufacturer or proprietor or to constitute an endorsement of any commodity or service, and the Department may consider clearly identified offers of substantially equivalent commodities and services submitted in response to such reference.
17. Alternatives. A Response which fails to meet any material term or condition of the RFR, including the submission of required attachments, may lose points or may be deemed unresponsive and disqualified. Unless otherwise specified, Respondents may submit Responses proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated RFR specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the contract. The Response should describe how any alternative achieves substantially equivalent or better performance to that of the RFR specifications. The Department will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this RFR is to provide the best value of commodities and services to achieve the procurement goals of the Department. Respondents that propose discounts, uncharged commodities and services or other benefits in addition to the RFR specifications may receive a preference or additional points under this RFR as specified.
18. Contract Expansion. In limited circumstances, if additional funds become available during the contract duration period as established in the RFR, the Department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute new contracts based on applications not funded in the initial selection process, subject to satisfactory contract performance and service or commodity need and at the discretion of the Secretary.
19. Environmentally Preferable Products and Services. At the Department's sole discretion, the Department

and contractor may negotiate during the contract term to permit the substitution or addition of Environmentally Preferable Products (EPPs) when such products become available at a competitive cost and satisfy the Department's performance needs. Unless otherwise specified in the RFR, during evaluation of Responses, an EPP may be considered best value even when the price is greater than (but does not exceed 10% in price) that of a non-EPP. Respondents are encouraged to submit appropriate information to identify important environmental attributes of items being procured, even when such attributes are not being required. Information or technical assistance regarding EPPs may be obtain from OSD at 617-727 7500 ext. 351 or via the internet at <http://www.mass.gov/epp/products.htm>

20. **GIS Standards.** All GIS (Geographic Information System) data collected, compiled or created under this RFR shall conform to standards developed or established by the Office of Geographic and Environmental Information (a/k/a MassGIS) within EEA. Such GIS data shall be made available to MassGIS upon request and at the reasonable cost of reproduction (cost to copy and/or transmit the data to MassGIS).

21. Nothing in this RFR authorizes or purports to grant the right to any Respondent, governmental entity or other person to enter or remain on any public or private property. If access to any property is necessary in any way for any purpose, such as responding to this RFR (e.g. surveying), that Respondent, governmental entity or other person must obtain appropriate permission authorizing such access from the person or governmental agency that has lawful control of the property.

**22. Debriefings and Appeals. (Applicable to Procurement of Services only, not applicable to Grants)**

Any Respondent not selected may request a debriefing for the purposes of examining the Respondent's response with a member of the RFR review team. This debriefing will be solely for the purpose of examining this response as submitted. Debriefings are designed to identify the weak areas of a response and suggest improvements for future procurements. Comparisons with other responses will not be made during a debriefing.

If a Respondent is still unsatisfied with the selection process, that Respondent may submit a request in writing to EEA for a formal review of the RFR selection process by EEA staff.

In order to be considered for an appeal at EEA, the Respondent's request must meet the following criteria:

- 1) The request for formal review must be submitted via first class mail to:

Richard K. Sullivan, Jr.  
Secretary of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

With a copy to the Contact Person for this RFR identified above.

- 2) The request must be submitted to EEA within 10 days of the date of the debriefing meeting.

Attendance at a debriefing is a prerequisite to filing a formal request for review.

- 3) The request must detail specific allegations that:

- a) the department failed to comply with applicable purchase of service regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the *Procurement Policies and Procedures Handbook*, policies and procedures issued by OSD and the specifications of the RFR; or
- b) there was a fundamental unfairness in the procurement process.

EEA may reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

If EEA grants the request for a hearing, EEA will establish a date and time for a meeting with the Respondent that will allow the Respondent to present the allegations outlined in the request in person.

The meeting will be scheduled by EEA within five days of receipt of the request.

Non-successful Respondents who participate in the EEA appeal process and remain aggrieved by the



selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the *Procurement Policies and Procedures Handbook*, subsequent policies and procedures issued by OSD, and the specifications of the RFR; or

2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the Respondent to provide sufficient and specific evidence in support of their claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Deputy Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure, which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above.

OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the Deputy Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Deputy Purchasing Agent shall not prohibit the department from proceeding with executing contracts.